GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - MA&UD Department – Gudivada Municipality - Allegations of misappropriation of funds, corruption and drawing of salary against PH worker in Gudivada Municipality - Disciplinary proceedings instituted against Sri M. Gopal Rao, the then Asst. Commissioner & Commissioner (FAC), Gudivada Municipality - Inquiry conducted – Imposition of a major penalty of "reduction of six (6) stages in the time scale" – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Rt.No.636 **Dated.19.08.2024.**

Read the following:

1. From the Director of Municipal Administration, A.P., Guntur, Letter RoC.No.1637153/2018/C1-4, dated 01.10.2018 and 08.12.2018.
2. G.O.Rt.No.1157, MA&UD (Vig.II) Dept., dt.20.12.2018.
3. G.O.Rt.No.1161, MA&UD (Vig.II) Dept., dt.20.12.2018.
4. Written Statement of Defense of Sri M.Gopala Rao, Assistant Commissioner, Gudivada received through the DMA., A.P., Guntur, Letter, Roc.No. 1637153/2018/C1, dt.25.01.2019.
5. G.O.Rt.No.288, M.A. & U.D. Dept., dt:29.03.2019 read with GO Rt.No.467, M.A. & U.D. Dept., dt:24.07.2019 and G.O.Rt.No.690, MA&UD (Vig.II) Department, dated.01.11.2019.
6. From Sri K.Ramesh, RDMA, Visakhapatnam and Inquiry Officer, letter Roc.No. 143/2020/A3, dated.30.01.2021.
7. Govt. Memo.No.1665512/Vig.II/2018, dt:12.07.2021.
8. Written representation of Sri M.Gopala Rao, Assistant Commissioner and the then Municipal Commissioner (FAC), Gudivada Municipality, dt:06.06.2022 received through the Commissioner, Tenali Municipality, Tenali, Roc.No.1707/2020/C1, dated 07.06.2022.

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O R D E R:-

Whereas, based on the report of the Director of Municipal Administration, A.P., in the reference 1st read above, Government initiated disciplinary proceedings against Sri A.Samuel, the then Municipal Commissioner and (3) others, Gudiwada Municipality on the irregularities in regularization of absconded period, sanction of increments, fixation of pay in Revised Pay Scales (RPS) and drawl of the pay and allowances for the period from 01.11.2010 to 31.05.2018 in respect of Sri Malligunta Raju, PH worker and misappropriated the Govt. Funds to a tune of Rs.20.89 lakhs. In the reference 3rd read above, charges were framed against Sri M. Gopal Rao, the then Asst. Commissioner & Commissioner (FAC), Gudivada Municipality.

2. In the reference 4th read above, the charged officer submitted his written statement of defence by denying the charges framed against her and requested to drop further action. Having not convinced with the written statement of defence submitted by the charged officer, it has been decided to conduct regular inquiry and after following due procedure, Government appointed an Inquiry Officer to inquire into the charges framed against all the Charged Officers in the G.O. 5th read above.

(Cont..2)

3. The Inquiry Authority conducted inquiry into the charges framed against the charged officers and submitted his report, vide reference 6th read above. The Inquiry Officer among others, stated that the Charged Officer (CO) Sri M. Gopal Rao, the then Asst. Commissioner & Commissioner (FAC) submitted that the then Commissioner sanctioned the leave (HPL) from 01-01-2009 to 19-04-2009 vide Proc. Roc No. 2559/2010/ F2, Dated: 28-01-2012. The CO, again sanctioned the HPL from 01-01-2009 to 31-03-2009 vide Procdgs Roc No. 3239/2017/F2, Dt: 29-12-2017 without leave application as well as without proceedings of the regularization of un-authorized period from 01-01-2009 to 31-10-2010, which was prepared and submitted by Smt. G. Pavani, the then Sr. Asst., of Gudivada Municipality. Hence the CO has utterly failed to verify the previous records and as he has sanctioned HPL again from 01-01-2009 to 31-03-2009 purely exhibits his lack of supervision for verifying the leave application of Sri M.Raju, PH Worker, Gudivada Municipality. Its shows his malafied intention to draw the pay and allowances of Sri M. Raju PH worker as well as colluded with Sr. Asst., of Gudivada Municipality.

4. The Inquiry Officer further stated that, it is true that joining permission entered in SR in Page No. 11, but the said entry was not attested by the then Commissioner, Gudivada Municipality and the same was accepted by the CO himself. The CO has contended that the MHO has signed on the said entry, but the MHO is one of the Section Head but not Head of the Institution as the Municipal Commissioner is the Head of the Institution of the Municipality concerned. The CO has not produced any recorded evidence during the enquiry in respect of joining report of Sri M. Raju, PH Worker, Gudivada Municipality. Further, the Sanitary Inspector concerned has to submit a note along with Muster Register as the Sanitary Inspector is not competent authority to issue duty certificate of his subordinate staff. If the Sanitary Inspector concerned is failed to submit the Muster Register, the Charged Officer (CO) has to make a query to submit the muster register for attendance proof of Sri M. Raju, PH Worker, but the CO has not followed the due procedure and his explanation is not defensible. Moreover, the Inquiry Officer observed that the bills were drawn against Sri M. Raju, PH Worker, at a time for (9) years without following the due procedure. Hence, the explanations of the Charged Officers are not considerable. Finally, the Inquiry Authority stated that out of (8) Charges, four (4) Charges are held proved, (2) charges are held partly proved and (2) charges are not held proved against the charged officer.

5. In the reference 7th read above, Government have accepted the findings of the Inquiry Officer and communicated a copy of inquiry report to the charged officer Sri M. Gopal Rao, the then Asst. Commissioner & Commissioner (FAC), and other Charged Officers, with a direction to submit his written representation if any, on the findings of the Inquiry Officer in terms of Rule 21 (2) of APCS (CCA) Rules, 1991.

6. The charged officer, vide reference 8th read above submitted his written representation and among others, stated that it is not true that he colluded with the Senior Assistant and Sanitary Inspector working in the Municipality. Further, stated that he has not taken action willfully and followed the proposals submitted by the lower staff due to lack of knowledge as Municipal Commissioner as he was newly posted on deputation basis to work as Municipal Commissioner. Therefore, he denied the charges and requested to drop further action in the matter, since his role is limited and under not stretch of imagination, he is not concerned with the Misappropriation of Govt. Funds as alleged.

(Cont..3)

7. Government have examined the written representation of delinquent officer, keeping in view the findings of the Inquiry Officer and the gravity of charges/ the roles & responsibilities of Charged Officer and observed that Sri M. Gopal Rao, the then Asst. Commissioner & Commissioner (FAC), Gudivada Municipality, has not acted his legitimate duties and he cannot escape from his duties duly throwing his responsibilities on his sub ordinate staff and stating that his duties are supervisory in nature and he has utterly failed to perform his duties. Without proper verification of the bills submitted by the sub ordinates with reference to the SR/muster register of Sri M. Raju, PH Worker, he has sanctioned the emoluments to the individual which is highly irregular. Hence, Government decided to impose a major penalty of "reduction of six (6) stages in the time scale" against Sri M. Gopal Rao, the then Asst. Commissioner & Commissioner (FAC) Gudivada Municipality, under Rule 9 of A.P. C.S. (CCA) Rules, 1991, as out of (8) Charges, four (4) Charges are held proved, (2) charges are held partly proved and (2) charges are not held proved against the charged officer.

8. Accordingly, the Government hereby impose a major penalty of "reduction of six (6) stages in the time scale" against Sri M. Gopal Rao, the then Asst. Commissioner & Commissioner (FAC), Gudivada Municipality, under Rule 9 of A.P. C.S. (CCA) Rules, 1991.

9. The Director of Municipal Administration, A.P., Mangalagiri, shall take necessary further action in the matter accordingly.

10. The receipt of the G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL KUMAR SINGHAL
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri M. Gopal Rao, the then Asst. Commissioner & Commissioner (FAC)
Gudivada Municipality, through the Director of
Municipal Administration, Mangalagiri.
The Director of Municipal Administration, A.P., Mangalagiri.

Copy to:
The Commissioner, Gudivada Municipality, Gudivada, Krishna District.
The Secretary to A.P. Vigilance Commission, 5th Block, A.P. Secretariat.
The P.S. to Hon'ble M (MA&UD).
The P.S. to Spl.CS to Govt., MA&UD Dept.,
SF/SCs.

//FORWARDED BY ORDER//

SECTION OFFICER.